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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,408	05/31/2001	Izhak Baharav	10003977-1	9280

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AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
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EXAMINER

WU, JINGGE

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/871,408

Applicant(s)

BAHARAV ET AL.

Examiner

Jingge Wu

Art Unit

2623

–The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

THE REPLY FILED 24 February 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): claims 4-5, 7, 17-18, 20, 27.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 4, 5, 7, 17, 18, 20 and 27.
Claim(s) rejected: 1-3, 6, 8-16, 19, 21-26 and 28-33.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

- 1) Regarding argument A, Herley expressly mentions the requirement of color interpolation (demaicing), "[w]e would like to color interpolate the image so that each DCT coefficient is close to being an integer times the stepsize for that coefficients. Thus, we have two requirements of the 24-bit color image: (1) DCT coefficients of the image should equal quantizer reconstruction levels." and (2) "image should equal the measured data at the mosaic location" (i.e. DCT coefficients requirement for color interpolation) (col. 4 line 66-col. 5 lines 5). This citation is expressly mentioned both color interpolation and DCT coefficients of JPEG, which the color interpolation in Herley would try to satisfy the both constrains to produce an iamge with minimum errors (col. 5 line 6-30). In addition, as matter of fact, claim language expressly mention "subsequent frequency-based compression process" that to the Examiner means clearly that color interpolation first, and subsequently do frequency-based compression. Obviously from above citations, the color interpolator in Harvey that incorporates the frequency-based transformation operator (in Herley, it is a DCT transform inherent in the JPEG) is operated to "take into account" subsequent frequency-based compression process because the color interpolation (demaicing) of Herley must satisfy the DCT coefficient requirement or the DCT (frequency-based transform) is incorporated in the color interpolation process, thus, inherently, incorporated a DCT operator, to take into account a subsequent frequency based compression process. Moreover, regarding how the Applicant's "frequency-based transformation operator", it is a "compression-considered demosaicing matrix" which defines the constraints of color interpolation, which is similar to the Herley's DCT coefficients requirement. Nowhere in claim language as well as in the specification (fig. 7), Applicant mentions the color interpolation "in reference to NOT just color interpolation but reference to both color interpolation and compression." Finally, even if, arguendo, the claim is in reference to both color interpolation and compression, What is differences of Applicant's "compression-considered demosaicing matrix" and Herley's DCT requirements for color interpolation (demaicing) in term of broad claim language "incorporates" and "take into account"? The answer is none.
- 2) Regarding argument B, Herley expressly mentions "raw image 100 undergoes space tranformtion and interpolateion 130 before being compressed 140 (fig. 1, col. 2 lines 54-56) and "it is first necessary to transform to a luminance/chrominance space shch as YUV ot YCrCb." (col. 3 lines 8-9).
- 3) Regarding argument C, see the remark on the argument A, The Examiner would like to clarify the claim language that DCT transform operator means the "compression-considered demosaicing matrix" which defines the constraints of color interpolation (see the specification and fig. 7-8), which equivalent to Harvey's DCT requirement to color interpolation. If Applicant wants interpret the "DCT transform operator" as an operator to do DCT operation, Harvey also discloses smilar structure that does color interpolation and then JPEG compression that nherently does DCT. Thus, even using both interpretation of claim language, Harvey can read on the claim language.
- 4) Regarding argument D, the iner withdraws the rejection and make the objection of the clams 4-5 and 17-18 and 27.
- 5) Regarding argument E, he iner withdraws the rejection and make the objection of the calims 7 and 20.
- 6) Regarding argument F, see the remark on the argument A.



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